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OFFICE OF PETITIONS

In re Application of :
Miller, et al. :
Application No. 10/658,529 : **ON PETITION**
Filed: September 10, 2003 :
Attorney Docket No. 215105.01500 :

This is a decision on the "PETITION TO WITHDRAW NOTICE OF ABANDONMENT UNDER 37 CFR 1.181(a)", filed November 30, 2004, to withdraw the holding of abandonment of the above-identified application. The petition was recently forwarded to the Office of Petitions for consideration.

The petition is **GRANTED**.

This application was held abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application, mailed December 8, 2003. This Office action set a shortened period for reply of two (2) months for applicants to submit an executed oath or declaration, a \$130 fee for its late filing, and replacement drawings. No reply having been received, the above identified application became abandoned on February 9, 2004. A Notice of Abandonment was mailed on November 4, 2004.

Petitioner contends that he did timely file a reply to the Notice to File Missing Parts. In support, petitioner has included a copy of a properly itemized, USPTO date-stamped postcard receipt, itemizing that a complete reply was filed on April 8, 2004. The postcard itemized checks in the amount of \$130 for the late surcharge and \$420 for a two month extension of time.

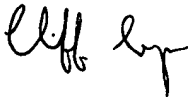
A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

In view thereof, **THE HOLDING OF ABANDONMENT IS WITHDRAWN.**

Given the basis for granting this petition, no petition fee was required and none has been charged. However, as applicants have submitted no proof that the Office cashed the checks filed on April 8, 2004, \$130 and \$420 have been charged to Deposit Account No. 50-1710, as authorized.

The matter is being forwarded to the Office of Initial Patent Examination for pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

A handwritten signature in cursive script, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions